

Agency 93

**Kansas Department of Revenue—
Division of Property Valuation**

Articles

- 93-1. HEARINGS BY DIRECTOR.
- 93-2. INSTITUTE OF CERTIFIED KANSAS ASSESSORS.
- 93-3. CERTIFICATES OF VALUE.
- 93-4. REAL ESTATE RATIO STUDY.
- 93-5. PROPERTY VALUATION NOTICES.
- 93-6. REGISTERED MASS APPRAISER.
- 93-7. MACHINERY AND EQUIPMENT EXEMPTION.
- 93-8. TELECOMMUNICATIONS MACHINERY AND EQUIPMENT AND RAILROAD MACHINERY AND EQUIPMENT EXEMPTION.

Article 1.—HEARINGS BY DIRECTOR

93-1-1. (Authorized by K.S.A. 74-2437, 74-2438, 79-1404; effective, E-71-14, March 5, 1971; effective Jan. 1, 1972; revoked April 20, 2001.)

93-1-2. (Authorized by K.S.A. 74-2437, 74-2438, 79-1404, 79-1412b; effective, E-71-14, March 5, 1971; effective Jan. 1, 1972; revoked April 20, 2001.)

93-1-3 to 93-1-4. (Authorized by K.S.A. 74-2437, 74-2438, 79-1404; effective, E-71-14, March 5, 1971; effective Jan. 1, 1972; revoked April 20, 2001.)

**Article 2.—INSTITUTE OF
CERTIFIED KANSAS ASSESSORS**

93-2-1 to 93-2-5. (Authorized by K.S.A. 74-2437, 79-1401, 79-1404, K.S.A. 1971 Supp. 19-421, 19-423; effective Jan. 1, 1972; revoked May 1, 1983.)

Article 3.—CERTIFICATES OF VALUE

93-3-1 to 93-3-4. (Authorized by K.S.A. 1973 Supp. 79-1435, 79-1436, 79-1437, 79-1441, 79-1442 as amended; K.S.A. 1973 Supp. 58-2223a, 58-2223b, 58-2223c, 58-2223d, 58-2223e; effective, E-74-48, Sept. 1, 1974; effective May 1, 1975; revoked June 26, 1998.)

Article 4.—REAL ESTATE RATIO STUDY

93-4-1. (Authorized by K.S.A. 79-1441; implementing K.S.A. 79-1437; effective, T-85-13,

May 3, 1984; effective May 1, 1985; revoked June 26, 1998.)

93-4-2. Annotation and disposition of real estate sales validation questionnaires; duties of county officials. (a) Not later than three business days after the receipt of a real estate sales validation questionnaire, the register of deeds shall annotate each copy with the following information:

(1) the volume and page entry from the general index, indicating where the deed, instrument, or affidavit of equitable interest that accompanies it is recorded;

(2) the county official validation number; and

(3) the recording date.

The register of deeds shall then forward the county appraiser's copy and the director of property valuation's copy to the county appraiser. The register of deeds shall retain the original copy, but an electronic copy may be retained instead when the register of deeds has been authorized by the director of property valuation to process real estate sales validation questionnaires by electronic imaging.

(b) Not later than three business days after the receipt of the county appraiser's and the director's copies, the county appraiser shall enter the parcel identification number on both copies. (Authorized by K.S.A. 79-1491; implementing K.S.A. 79-1487; effective June 26, 1998.)

93-4-3. Split real estate parcel sales; du-

ties of county officials. Not later than 10 business days after the receipt of a real estate sales validation questionnaire concerning a split real estate parcel sale, the county appraiser shall perform one of the following:

(a) Enter the sales information on the parent parcel record in the county's computer-assisted mass appraisal system; or

(b) enter the sales information on the split parcel record in the county's computer-assisted mass appraisal system after the transmission of the real property appraisals has been completed pursuant to K.S.A. 79-1466, and amendments thereto. (Authorized by K.S.A. 79-1491; implementing K.S.A. 79-1487; effective June 26, 1998.)

93-4-4. Assemblage and entering of sales data; accounting for real estate sales validation questionnaires; duties of county officials. Not later than the 10th day of each month, the county appraiser shall assemble and enter into the county's computer-assisted mass appraisal system the sales data pertaining to sales that occurred on or before the last day of the preceding month, as obtained from the real estate sales validation questionnaires received from the register of deeds.

The county appraiser shall account for all real estate sales validation questionnaires by entering sales information from all questionnaires into the data base fields in the county's computer-assisted mass appraisal system. The county appraiser shall maintain in a void file those questionnaires that cannot be matched with a parcel of real estate, those that contain information that cannot be entered in the county's computer-assisted mass appraisal system, and those that were not required by K.S.A. 79-1437e, and amendments thereto. (Authorized by K.S.A. 79-1491; implementing K.S.A. 79-1487; effective June 26, 1998.)

93-4-5. Access to county records by the director of property valuation; duties of county officials. (a) The county shall make its computer-assisted mass appraisal system available to the director of property valuation and the director's agents, to generate and print reports and to prepare data files to enable the electronic extraction of sale information on a monthly basis.

(b) Upon written request by the director of property valuation, the county appraiser shall prepare and transmit the electronic assessment administration file to the director not later than 10 business days after the receipt of the request.

(c) The county appraiser shall maintain extracted sales files in the county's computer file library for at least 15 business days before being deleted or erased. (Authorized by K.S.A. 79-1491; implementing K.S.A. 79-1487; effective June 26, 1998.)

93-4-6. Standards. The "standard on ratio studies," adopted by the executive board of the international association of assessing officers in July 1999, shall constitute the minimum standard for the design, preparation, and use of the ratio study. The performance standards, summarized in table 7 of the "standard on ratio studies," shall be used to evaluate the appraisal of residential and commercial and industrial real estate, except that the coefficient of dispersion shall be 20 or less, with a confidence interval of 95 percent. (Authorized by K.S.A. 79-1491; implementing K.S.A. 79-1485, 79-1486, 79-1487, 79-1488, 79-1489, 79-1490, 79-1492, 79-1493; effective June 26, 1998; amended April 20, 2001.)

Article 5.—PROPERTY VALUATION NOTICES

93-5-1. Valuation notices; physical inspection of property. (a) "Physical inspection" as used in K.S.A. 79-1460, as amended by L. 1991, Chapter 279, § 1 means viewing a parcel of real property, including any improvements thereto, for the purpose of verifying salient characteristics, information on the valuation documents and the comparable sales sheet in order to make a final correlation of value. "Physical inspection" does not require additional data collection or personal contact with the owner of such property.

(b) A record of the physical inspection shall be maintained by notation of the date, time and identification of the appraiser making the final valuation on the KSCAMA property record prior to printing the valuation notice required by K.S.A. 79-1460, as amended by L. 1991, Chapter 279, § 1. (Authorized by and implementing K.S.A. 79-1460, as amended by L. 1991, Chapter 279, § 1; effective June 1, 1992.)

Article 6.—REGISTERED MASS APPRAISER

93-6-1. Prerequisites. Each candidate for the registered mass appraisal (RMA) designation shall complete all requirements necessary to be eligible to hold the office of Kansas appraiser pur-

suant to K.S.A. 19-430 and 19-432, and amendments thereto, before the issuance of the RMA designation. (Authorized by and implementing K.S.A. 1999 Supp. 19-430; effective, T-93-8-29-97, Aug. 29, 1997; effective Dec. 5, 1997; amended April 20, 2001.)

93-6-2. Education requirements. (a) Each candidate for the RMA designation shall complete 180 hours of courses, which shall include those courses specified in subsection (b). "Hour," as used in this regulation, shall mean one clock hour of no fewer than 50 minutes.

(b) Mandatory courses shall consist of the following:

International association of assessing officers (IAAO) course I or equivalent course approved by the secretary of revenue	30 hours
IAAO course II or equivalent course approved by the secretary of revenue	30 hours
IAAO standards and ethics course or equivalent course approved by the secretary of revenue	15 hours
IAAO course 300, 311, or 312 or equivalent course approved by the secretary of revenue	30 hours
Kansas property tax law course approved by the secretary of revenue	20 hours
Personal property course approved by the secretary of revenue	15 hours
Total mandatory course hours	140 hours

A candidate may substitute successfully completed appraisal courses with an emphasis on mass appraisal approved by the real estate appraisal board appointed by the governor pursuant to K.S.A. 58-4104, and amendments thereto. However, no course substitution shall be permitted for the Kansas property tax law course and the personal property course. Course substitution shall be subject to the approval of the secretary of revenue.

(c) The remaining 40 course hours may be selected from courses offered by an appraisal sponsor of the appraisal foundation or the director of property valuation. "Appraisal foundation" means the appraisal foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois. (Authorized by and imple-

menting K.S.A. 1999 Supp. 19-430; effective, T-93-8-29-97, Aug. 29, 1997; effective Dec. 5, 1997; amended April 20, 2001.)

93-6-3. Continuing education requirements. (a)(1) Effective on and after July 1, 2001, each individual who has successfully obtained the RMA designation shall successfully complete a minimum of 120 hours of continuing education every four years in order to retain the designation. "Hour," as used in this regulation, shall mean one clock hour of no fewer than 50 minutes. The four-year period shall correspond with the four-year appointment period for county appraisers set forth in K.S.A. 19-430, and amendments thereto.

(2) No fewer than 90 hours of continuing education shall be completed during the relevant four-year period. No more than 30 hours may be carried forward from one four-year period to the next four-year period.

(b) The continuing education courses shall be the same as those established by the director of property valuation for an eligible Kansas appraiser under the provisions of K.S.A. 19-432, and amendments thereto. Each individual with the RMA designation shall complete the IAAO standards and ethics course or equivalent course approved by the secretary of revenue and the Kansas property tax law course once every four years. (Authorized by and implementing K.S.A. 1999 Supp. 19-430; effective, T-93-8-29-97, Aug. 29, 1997; effective Dec. 5, 1997; amended April 20, 2001.)

93-6-4. Experience requirements. (a) Each candidate for the RMA designation shall document a minimum of 6,000 hours of mass appraisal experience, including not less than 2,000 hours of experience in establishing values for property taxation purposes. No more than 600 hours of mass appraisal experience shall come from establishing values on personal property. "Hour," as used in this regulation, shall mean 60 minutes.

(b) Any candidate may petition the secretary of revenue to approve more than the 600 hours of mass appraisal experience in establishing values on personal property specified in subsection (a). The candidate shall demonstrate to the secretary that the experience entailed determining the fair market value of personal property in a manner comparable in complexity and documented market research and analysis to the valuation of real property. The candidate shall further demonstrate

to the secretary that the personal property valued comprised a predominate portion of the tax base of the county in which the values were determined.

(c) The required 6,000 hours of mass appraisal experience may include map maintenance, sales validation, income validation, and quality control. The required 2,000 hours of experience in establishing values on property for ad valorem taxation purposes may include neighborhood analysis, land valuation, model building and testing, and final review. (Authorized by and implementing K.S.A. 2001 Supp. 19-430; effective, T-93-8-29-97, Aug. 29, 1997; effective Dec. 5, 1997; amended April 20, 2001; amended May 16, 2003.)

93-6-5. Case study requirements. A candidate for the RMA designation shall successfully complete both a residential case study and a commercial case study, each of which shall have a four-hour time limit. A candidate may attempt to successfully complete each case study twice within a six-month time period. If a candidate fails in two attempts to complete either or both case studies, the candidate shall wait six months after the date of each failed retake before attempting to complete each failed case study again. (Authorized by and implementing K.S.A. 19-430, as amended by L. 1997, Ch. 126, § 33; effective, T-93-8-29-97, Aug. 29, 1997; effective Dec. 5, 1997.)

93-6-6. Reciprocity. A candidate for the RMA designation who has completed one or more case studies as a prerequisite for obtaining a professional designation from an appraisal sponsor of the appraisal foundation may file an application with the secretary of revenue to waive either or both of the case study requirements of K.A.R. 93-6-5. Either or both of the case study requirements of K.A.R. 93-6-5 may be waived by the secretary of revenue upon finding that the candidate has completed a case study that is comparable to the case study sought to be waived. (Authorized by and implementing K.S.A. 19-430, as amended by L. 1997, Ch. 126, § 33; effective, T-93-8-29-97, Aug. 29, 1997; effective Dec. 5, 1997.)

93-6-7. Reinstatement. Each applicant for reinstatement of the RMA designation shall complete the continuing education requirements specified in K.A.R. 93-6-3. No reinstatement shall be allowed after June 30 of the second year after the expiration of the four-year continuing education period specified in K.A.R. 93-6-3. (Author-

ized by and implementing K.S.A. 2001 Supp. 19-430; effective May 16, 2003.)

Article 7.—MACHINERY AND EQUIPMENT EXEMPTION

93-7-1. Definitions. (a) “Bona fide transaction” shall mean a purchase, sale, or lease of commercial and industrial machinery and equipment that is made in good faith and without fraud or deceit.

(b) “Fair and valuable consideration” shall mean an amount of consideration that is not disproportionately small in comparison with the value of the commercial and industrial machinery and equipment acquired. This term shall not be considered synonymous with “fair market value,” as defined in K.S.A. 79-503a and amendments thereto, but shall mean an amount that is more than nominal consideration. (Authorized by and implementing L. 2006, Ch. 205, §1; effective Jan. 19, 2007.)

93-7-2. Transfer of title presumption. If commercial and industrial machinery and equipment were physically transferred to a taxpayer before July 1, 2006, the presumption shall be that the title was transferred to the taxpayer before July 1, 2006. This presumption may be rebutted by clear and convincing evidence that the title was passed to the taxpayer after June 30, 2006. (Authorized by and implementing L. 2006, Ch. 205, §1; effective Jan. 19, 2007.)

93-7-3. Possession and use presumption. If commercial and industrial machinery and equipment were physically transferred by a lease agreement to a taxpayer before July 1, 2006, the presumption shall be that the right to use the machinery and equipment was transferred to the taxpayer before July 1, 2006. This presumption may be rebutted by clear and convincing evidence that the right to use the commercial and industrial machinery and equipment was passed to the taxpayer after June 30, 2006. (Authorized by and implementing L. 2006, Ch. 205, §1; effective Jan. 19, 2007.)

Article 8.—TELECOMMUNICATIONS MACHINERY AND EQUIPMENT AND RAILROAD MACHINERY AND EQUIPMENT EXEMPTION

93-8-1. Definitions. (a) “Bona fide transaction” shall mean a purchase, sale, or lease of

telecommunications machinery and equipment or railroad machinery and equipment that is made in good faith and without fraud or deceit.

(b) "Fair and valuable consideration" shall mean an amount of consideration that is not disproportionately small in comparison with the value of the telecommunications machinery and equipment or railroad machinery and equipment acquired. This term shall not be considered synonymous with "fair market value," as defined in K.S.A. 79-503a and amendments thereto, but shall mean an amount that is more than nominal consideration. (Authorized by and implementing L. 2006, Ch. 205, §3; effective Jan. 19, 2007.)

93-8-2. Transfer of title presumption. If telecommunications machinery and equipment or railroad machinery and equipment were physically transferred to a taxpayer before July 1, 2006, the presumption shall be that the title was trans-

ferred to the taxpayer before July 1, 2006. This presumption may be rebutted by clear and convincing evidence that the title was passed to the taxpayer after June 30, 2006. (Authorized by and implementing L. 2006, Ch. 205, §3; effective Jan. 19, 2007.)

93-8-3. Possession and use presumption. If telecommunications machinery and equipment or railroad machinery and equipment were physically transferred by a lease agreement to a taxpayer before July 1, 2006, the presumption shall be that the right to use the machinery and equipment was transferred to the taxpayer before July 1, 2006. This presumption may be rebutted by clear and convincing evidence that the right to use the machinery and equipment was passed to the taxpayer after June 30, 2006. (Authorized by and implementing L. 2006, Ch. 205, §3; effective Jan. 19, 2007.)